

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTIN LUTHER KING, JR.
COUNTY, et al.,

Plaintiffs,

v.

SCOTT TURNER in his official capacity
as Secretary of the U.S. Department of
Housing and Urban Development, et al.,

Defendants.

No. 2:25-cv-00814-BJR

DECLARATION OF GRANT DAVIS

I, GRANT DAVIS, declare as follows:

1. I am a resident of the City of Chicago in the State of Illinois. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I currently serve as Director of Grants Management in Chicago's Department of Transportation ("CDOT"). I have held this position since June 2024. Before becoming Director of Grants Management, I served as a Coordinating Planner with CDOT for eleven years. In my role at CDOT, I am responsible for managing CDOT's federal, state, and local funded major capital program, including managing CDOT's federal, state, and county grant programs.

1 3. CDOT is responsible for the maintenance and improvement of Chicago's surface
2 transportation network including roadways, bridges, sidewalks, multi-use trails, and various
3 Chicago Transit Authority ("CTA") stations. As the third largest City in the United States,
4 Chicago's transportation network is large and complex: CDOT is responsible for over 4,000 miles
5 of streets, 2,000 miles of alleys, 300 bridges, and numerous other surface transportation
6 infrastructure, many of which were originally built over 100 years ago and require constant
7 investment to improve and maintain in a state of good repair.
8

9 4. CDOT relies on funding from the U.S. Department of Transportation ("DOT"),
10 through a mix of direct and indirect grants, to maintain the safety of its vast network of roads,
11 highways, bridges, transit stations, and pedestrian walkways for Chicagoans and its visitors. These
12 federal grants are an integral part of CDOT's financial planning and budget and provide critical
13 funding for project implementation.
14

15 5. For example, for Federal Fiscal Years 2020 through 2024, CDOT entered into
16 project agreements obligating approximately \$625M in federal transportation funds through both
17 the Federal Highway Administration ("FHWA") and the Federal Transit Administration ("FTA")
18 for critical transportation improvements throughout Chicago. The FHWA grants were used for
19 improvements to bridges, viaducts, roadways, and signals. Additionally, CDOT's projects
20 included: (1) resurfacing with critical safety improvements of over 100 miles of arterial streets; (2)
21 rehabilitation of the approximately 100-year-old Canal Street Viaduct in downtown Chicago; (3)
22 construction of a grade separation project on Columbus Avenue at the Belt Railway Company
23 ("BRC") as part of the CREATE program, a public-private partnership to improve modernize the
24 region's rail network, in order to eliminate the at-grade crossing to improve safety and decrease
25
26
27

1 congestion; and (4) the full reconstruction of Milwaukee Avenue, a major thoroughfare, between
2 Logan Boulevard and Belmont Avenue.

3 6. The FTA funds were used for the design and construction phases of the State/Lake
4 CTA station project to reconstruct a 100-year-old station to improve capacity and ADA
5 accessibility.
6

7 **CDOT Expects Over \$288 Million DOT Funds in 2025**

8 7. For Federal Fiscal year 2025, CDOT anticipates entering into project agreements
9 to obligate \$288,966,830 in federal grant funding from DOT. These grants will fund critical surface
10 transportation infrastructure improvements in Chicago. These grants include:

- 11 a. \$148,040,000 in Urbanized Area Formula Grants - 5307 funds added via
12 an amendment or amendments to the State/Lake CTA Station project in
13 order to reconstruct the approximately 100-year old El station;
14
15 b. \$18,800,000 in National Highway Freight Program funds for the
16 rehabilitation of the Cicero Avenue Bridge over the Sanitary and Ship
17 Canal;
18
19 c. \$2,000,000 in Community Project Funding funds for the rehabilitation of
20 the Cicero Avenue Bridge over the Sanitary and Ship Canal;
21
22 d. \$44,000,000 in Surface Transportation Program funds for the rehabilitation
23 of the LaSalle Street Bridge and Viaduct over the Chicago River;
24
25 e. \$1,000,000 in Bridge Investment Program funds for phase I engineering for
26 the reconstruction of the 106th Street Bridge over the Calumet River;
27

- 1 f. \$10,000,000 in additional Surface Transportation Program funds for the
2 grade separation of Columbus Avenue under the BRC railroad tracks at
3 Maplewood Avenue;
4
5 g. \$4,000,000 in Surface Transportation Program funds for Signal Controller
6 Modernization #1 to upgrade signal equipment at various locations in
7 Chicago;
8
9 h. \$8,000,000 in Surface Transportation Program funds for Bridge Inspection
10 Services to perform federally mandated condition rating inspections for
11 various bridges and viaducts throughout Chicago;
12
13 i. \$3,990,000 in Advanced Transportation and Congestion Management
14 Technologies Deployment Program (ATCMTD) funding for the Chicago
15 Centralized Transit Signal Priority project;
16
17 j. \$19,173,780 in INFRA plus \$7,850,000 on Surface Transportation Program
18 funds for the grade separation of Archer Avenue under the BRC railroad at
19 Kenton;
20
21 k. \$3,226,583 of Congestion Mitigation and Air Quality (CMAQ) for system-
22 wide signage improvements for the Chicago Pedway system;
23
24 l. \$895,000 in National Priority Safety program funding for the 2025
25 Pedestrian and Bicycle Safety Initiative;
26
27 m. \$400,000 in State Planning and Research funds for CREATE Program
Planning and Support Services;
n. \$400,000 in State Planning and Research funds for Railroad Related
Support Services;

- o. \$891,467 in Uniform Work Program funding for staff and consultant support related to the management and implementation of the City's federal transportation program;
- p. \$15,000,000 in Charging and Fueling Infrastructure Grants for Charge Up Chicago! to install EV chargers at various locations in Chicago; and
- q. \$1490,000 in SMART Grant funds for the Chicago Accessible Intersection Navigation Application to develop an app to help individuals with low vision or blindness to navigate across signalized intersections.

CDOT Has Over \$200 Million Discretionary Awards From DOT for 2026 and Beyond

8. CDOT has been awarded approximately \$202,937,748 in competitive discretionary funding grants from DOT for project phases beginning after Federal Fiscal Year 2025. These grants include the following:

- a. Safe Streets For All Program (FHWA): \$20,927,748 for the Vision Zero West Side Communities (Ogden Avenue) project which will improve Ogden Avenue from Pulaski to Kedzie. This project will reconfigure Ogden Avenue by removing excess travel lanes, removing or limiting service drive access at intersections where feasible, adding new protected bike lanes, and improving ADA accessibility, traffic signals, and bus stops to improve safety, decrease crashes, improve transit, and help revitalize this distressed commercial corridor;
- b. Safe Streets for All Program (FHWA): \$20,010,000 for the North Avenue Corridor Improvement Project which will improve North Avenue between

Kedzie and Kostner by installing safety treatments with the goal of reducing crash rates along this high crash corridor;

- c. Reconnecting Communities Pilot Program grant (FHWA): \$10,000,000 for the Reconnecting Independence Boulevard: I-290 Land Cap Project to reconnect disinvested communities on either side of I-290 by filling the gap between northbound and southbound Independence Boulevard with a more inviting, safe, and accessible bicycle and pedestrian facility; and
- d. Bridge Investment Program (FHWA): \$143,000,000 (Calumet River Bridges). These funds will be pass-through IDOT from FHWA to CDOT. This project will reconstruct the bridges over the Calumet River at 92nd/Ewing, 95th, 100th, and 106th Streets. These bridges are each approximately 100 years old and well past their service life and, therefore, in need of full reconstruction. It is anticipated the existing award agreement between FHWA and IDOT will need to be amended prior to the pass-through agreement between IDOT and CDOT being executed.

DOT's New Funding Conditions

9. On May 13, 2024, DOT posted a Notice of Funding Opportunity (NOFO) for Stage 1 of the SMART Program to solicit applications for projects focused on advanced smart city or community technologies and systems to improve transportation efficiency and safety.

10. Pursuant to the terms of the NOFO, Chicago applied for the SMART Program – Stage 1 grant in the amount of \$1.49 million on July 10, 2024. As part of this award application, Chicago submitted all of the required forms, which included a proposal for its Chicago Accessible

1 Intersection Navigation App, SF-424 forms, a certification regarding lobbying, and a disclosure of
2 lobbying activities.

3 11. On December 16, 2024, I received an email from DOT stating that Chicago's
4 project had been selected for funding through the SMART Grants Program. *See* December 16,
5 2024 email, attached as Ex. A. From December 2024 to March 2025, Chicago worked with DOT
6 to submit all of the requisite pre-award documents for Chicago's pending SMART grant, which
7 included Chicago's budget documents, a pre-award compliance form, a civil rights checklist,
8 lobbying certifications, and Chicago's single audit from 2023.

9
10 12. On May 5, 2025, I received an email notification from Raine Pike, a Grants
11 Management Specialist for the SMART Program at DOT, Office of the Assistant Secretary for
12 Research and Technology, informing me that CDOT's FY24 SMART Stage 1 project "received
13 the final approval." *See* May 5 email, attached as Ex. B. Pike explained that DOT was preparing
14 the award agreement and other relevant documents and would be sending them to me for review
15 and signature soon. *Id.*

16
17 13. On May 14, 2025, I received an email from Pike, enclosing a copy of the Assistance
18 Agreement for the SMART Program, in the amount of \$1.49 million. The Assistance Agreement
19 states that "[t]he Recipient [] agrees to all applicable Federal Financial Assistance law and
20 regulations, and award TERMS & CONDITIONS, as provided in the [] attachments[.]" *See*
21 Assistance Award, attached as Ex. C.

22
23 14. The attached documents contain additional funding conditions that were not
24 included in the NOFO for the award, and that CDOT was not aware of when it applied for funding,
25 including the following:

26 a. Requiring Chicago to cooperate with Federal officials in the enforcement of
27

1 Federal immigration law;

2 b. Requiring Chicago to comply with Executive Order 14173; and

3 c. Requiring Chicago to certify that it does not operate any programs
4 promoting diversity, equity, and inclusion (DEI) initiatives “that violate any
5 applicable Federal anti-discrimination laws.”
6

7 15. The attachments also provided that “[b]y entering into this agreement for a SMART
8 Grant, the Recipient assures and certifies, with respect to this Grant, that it will comply with all
9 applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as
10 they relate to the application, acceptance, and use of Federal funds for this Project.” The so-called
11 “applicable provisions” to the Agreement included, Executive Order 14168 “Defending Women
12 from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”;
13 8 U.S.C. § 1327 “Aiding or assisting certain aliens to enter;” and 8 U.S.C. § 1324 “Bringing in and
14 harboring certain aliens.”
15

16 16. None of these conditions appeared in prior DOT Agreements.

17 17. DOT, moreover, requested that Chicago “[p]lease try and have it signed and back
18 to me by tomorrow if at all possible.” *See* May 14, 2025 Email, attached as Ex. D.

19 18. Also attached to the May 14, 2025 email was Sean Duffy’s April 24, 2025 letter
20 which purports to require all DOT grant recipients to comply with the same conditions discussed
21 above.
22

23 19. Given the changes to the agreement, CDOT was not able to sign and return the
24 agreement by May 15, 2025; I am, furthermore, concerned about the continued availability of this
25 funding.
26
27

1 20. If Chicago loses the SMART Grant funds, it would no longer be able to develop its
2 Chicago Accessible Intersection Navigation App, which will empower people with low vision or
3 blindness to navigate across signalized intersections safely using a state-of-the-art smartphone
4 application.

5
6 21. The City expects, based on the Duffy letter and the May 9, 2025, general DOT
7 terms and conditions, that DOT will now be imposing these conditions and requiring certifications
8 for all grants to be fully executed and pending or for new awards to be approved.

9 22. The loss of the pending and expected DOT grant funds will cause severe hardship
10 for CDOT and its ability to maintain Chicago's roadways and transportation systems safely. CDOT
11 relies on DOT for a large portion of its budget and Chicago uses the funds to repair and expand
12 bridges and roadways to prevent accidents, to make pedestrian walkways safer and more
13 accessible, and to update outdated transit stations. These funds are critical to Chicago's ability to
14 implement and maintain safe and effective means of transportation for millions of Chicagoans and
15 its annual visitors.
16

17 I declare under penalty of perjury that the foregoing is true and correct.

18
19 EXECUTED this 19th day of May, 2025.

20
21 
22 GRANT DAVIS

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2025, I served a true and correct copy of the foregoing document on the following parties by the method(s) indicated below:

Brian C. Kipnis Annalisa L. Cravens Sarah L. Bishop Rebecca S. Cohen <i>Assistant United States Attorneys</i> Office of the United States Attorney 700 Stewart Street, Suite 5220 Seattle, WA 98101-1271 brian.kipnis@usdoj.gov annalisa.cravens@usdoj.gov sarah.bishop@usdoj.gov rebecca.cohen@usdoj.gov <i>Attorneys for Defendants Scott Turner, U.S. Dept. of Housing and Urban Development, Sean Duffy, U.S. Dept. of Transportation, Tariq Bokhari, the Federal Transit Administration, Gloria M. Shepherd, the Federal Highway Administration, Chris Rocheleau, the Federal Aviation Administration, Drew Feeley, the Federal Railroad Administration</i>	<input checked="" type="checkbox"/> CM/ECF E-service <input type="checkbox"/> Email <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail / Return Receipt Requested <input type="checkbox"/> Hand delivery / Personal service
--	---

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 21st day of May, 2025.

/s/ Gabriela DeGregorio

Gabriela DeGregorio
 Litigation Assistant
 Pacifica Law Group LLP

CERTIFICATE OF SERVICE

PACIFICA LAW GROUP LLP
 401 UNION STREET
 SUITE 1600
 SEATTLE, WASHINGTON 98101
 TELEPHONE: (206) 245-1700
 FACSIMILE: (206) 245-1750

EXHIBIT A

From: [Zhu, Madeline \(OST\)](#)
To: [Steve Pautsch](#); [Grant Davis](#); [Tom Carney](#)
Cc: [Caldwell, Stanley \(OST\)](#); [Johnson, Alfreda \(OST\)](#); [Pike, Raine \(OST\)](#)
Subject: SMART Stage 1 Application
Date: Monday, December 16, 2024 9:23:59 AM
Attachments: [2024 Stage 1 SMART Amplification Toolkit.docx](#)

[Warning: External email]

Hello,

We are pleased to notify you that your project entitled *Chicago Accessible Intersection Navigation Application* has been selected for funding through the Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program. Congratulations!

This news is now [public](#) and may be shared with your networks. Attached you will find a SMART Amplification Toolkit with resources and references to help you drive awareness.

Many awardees may choose to hold an event to officially announce or kick-off their SMART Grant awards. If you are holding an announcement event or convening with local stakeholders and media, and would like a representative of the SMART Grants team to join, please let us know and we will be happy to get someone from DOT to attend if schedules permit.

Please note that this email is not an authorization to begin work, and it does not guarantee Federal funding. USDOT and Applicant Organization must establish and execute a signed, mutually agreed upon grant agreement prior to the disbursement of award funds. No costs incurred before USDOT signs and executes the grant agreement will be reimbursed.

A grants management specialist will reach out to you in the next few days. Coordination with your grants management specialist and prompt return of requested information will expedite the process of establishing and executing your grant agreement.

You have also received an email from Valid Eval that provides feedback on your proposal.

We are delighted to be your partner in making transportation in your community safer, more equitable, greener, and more competitive. Thank you for your application, and we look forward to working with you.

Sincerely,

Madeline

Madeline Zhu (she/her)

Policy Advisor

SMART Grants Program

Office of the Assistant Secretary for Research and Technology

U.S. Department of Transportation

(202) 961-9598

<https://www.transportation.gov/grants/SMART>

EXHIBIT B

From: [Pike, Raine \(OST\)](#)
To: [Grant Davis](#)
Cc: [Caldwell, Stanley \(OST\)](#); [Nguyen, Thy \(OST\)](#)
Subject: FY24 SMART Grants/Projects Final Determination
Date: Monday, May 5, 2025 1:21:30 PM

[Warning: External email]

Dear Grant & Chicago DOT,

I'd like to formally inform you that the FY24 SMART Stage 1 project, entitled "Chicago Accessible Intersection Navigation Application" has received the final approval.

The SMART team has started preparing the Agreement, and all other relevant award documents, and will be sending them to you for review and to sign. We are hoping to have the documents sent out sometime this week. Please be prepared to sign as quickly as possible.

We will still need to go through another review of your budget & justification sometime next week.

Please let me know if you have any questions.

Best,
Raine

Raine Pike

Grants Management Specialist
SMART Grants Program
Office of the Assistant Secretary for Research and Technology
U.S. Department of Transportation
202.849.0006
<https://www.transportation.gov/grants/SMART>

EXHIBIT C

ASSISTANCE AGREEMENT

1. Award No. 69A3552541023		2. Modification No.		3. Effective Date 05/15/2025		4. CFDA No. 20.941	
5. Awarded To CHICAGO DEPARTMENT OF TRANSPORTATION Attn: KAORI FUJISAWA 2 N. LASALLE STREET SUITE 1110 CHICAGO IL 606023800				6. Sponsoring Office OFFICE OF THE SECRETARY Off of Asst Sec for Research & Tech 1200 New Jersey Avenue, East Building, 3rd Washington DC 20590			7. Period of Performance 05/15/2025 through 11/14/2026
8. Type of Agreement <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other		9. Authority Pub. L. 117-58, November 15, 2021 IIJA Section 25005			10. Purchase Request or Funding Document No. OS2025R1SMG047		
11. Remittance Address CHICAGO DEPARTMENT OF TRANSPORTATION Attn: EMILE YOUNG CITY OF CHICAGO DEPARTMENT OF FINANCE 121 N LASALLE ST, SUITE 700 CHICAGO IL 60602				12. Total Amount Govt. Share: \$1,490,000.00 Cost Share : \$0.00 Total : \$1,490,000.00		13. Funds Obligated This action: \$1,490,000.00 Total : \$1,490,000.00	
14. Principal Investigator Thomas Carney Phone: 312-744-3600		15. Program Manager THY H. NGUYEN Phone: 202-875-0520			16. Administrator OFFICE OF THE SECRETARY Off of Asst Sec for Research & Tech 1200 New Jersey Avenue, East Building, 3rd Washington DC 20590		
17. Submit Payment Requests To OST Delphi eInvoicing System https://einvoice.esc.gov		18. Paying Office OST Delphi eInvoicing System https://einvoice.esc.gov			19. Submit Reports To See Reporting Requirements Checklist attachment		
20. Accounting and Appropriation Data 1734X2400B.2025.POLX000GRT.54000SMART.41000.61006600.0000000000.0000000000.0000000000.0000000000							
21. Research Title and/or Description of Project Chicago Accessible Intersection Navigation Application							
For the Recipient				For the United States of America			
22. Signature of Person Authorized to Sign				25. Signature of Grants/Agreements Officer			
23. Name and Title		24. Date Signed		26. Name of Officer THY H. NGUYEN		27. Date Signed	

CONTINUATION SHEET		REFERENCE NO. OF DOCUMENT BEING CONTINUED 69A3552541023			PAGE 2	OF 2
NAME OF OFFEROR OR CONTRACTOR CHICAGO DEPARTMENT OF TRANSPORTATION						
ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)	
	<p>UEI: NFECKMGA3MJ4</p> <p>GRANT AGREEMENT UNDER THE FISCAL YEAR 2024 STRENGTHENING MOBILITY AND REVOLUTIONIZING TRANSPORTATION (SMART) GRANTS PROGRAM</p> <p>This agreement between the United States Department of Transportation (the USDOT) and the City of Chicago reflects the selection of the Recipient to receive a Strengthening Mobility and Revolutionizing Transportation (SMART) Stage 1 Grant for the project entitled "Chicago Accessible Intersection Navigation Application".</p> <p>The Recipient therefore agrees to all applicable Federal Financial Assistance law and regulations, and award TERMS & CONDITIONS, as provided in the following attachments:</p> <ol style="list-style-type: none"> 1. DOT OST-R SMART Reporting Requirements Checklist Version May092025 2. DOT OST-R SMART Specific T&Cs- Articles 1-6 Version May092025 3. DOT OST-R SMART General T&Cs- Article 7-30 Version May092025 4. DOT OST-R SMART Program Exhibits Version May092025 5. Letter to USDOT Financial Assistance Recipients <p>Prepay Indicate: NO</p>					
00007	<p>IL Chicago Department of Transportation</p> <p>Obligated Amount: \$1,490,000.00</p> <p>The total amount of award: \$1,490,000.00. The obligation for this award is \$1,490,000.00.</p>				1,490,000.00	

JULY 2004

EXHIBIT D

From: [Pike, Raine \(OST\)](#)
To: [Grant Davis](#)
Cc: [Nguyen, Thy \(OST\)](#)
Subject: SMART Grant Award#69A3552541023
Date: Wednesday, May 14, 2025 1:33:35 PM
Attachments: [69A3552541023 AA TN.pdf](#)
[DOT OST-R SMART Articles 7-30 May092025.docx](#)
[DOT OST-R SMART Exhibits May092025.docx](#)
[DOT OST-R SMART Reporting Requirements Checklist May092025.docx](#)
[DOT OST-R SMART Specific TCs Article 1-6 May092025.docx](#)
[Letter to All Recipients of USDOT April 24, 2025.pdf](#)
Importance: High

[Warning: External email]

Good afternoon, Grant,

Thank you for your patience waiting for the Assistance Agreement. Please try and have it signed and back to me by tomorrow if at all possible.

Feel free to reach out with any questions you may have.

Best,
Raine

Raine Pike

Grants Management Specialist

SMART Grants Program

Office of the Assistant Secretary for Research and Technology

U.S. Department of Transportation

202.849.0006

<https://www.transportation.gov/grants/SMART>